

To: Senator Gary Perry, Chair  
Senate Judiciary Committee  
From: Aart Dolman  
Date: February 4, 2009  
Re: Support for Senate Bill 0236

Dear Senator Perry and Senate Judiciary Committee Members:

Today, I submit to you as a citizen advocate my support for S0236. For more than four decades, I have studied the issue of the death penalty in Montana, the United States, and in other countries.

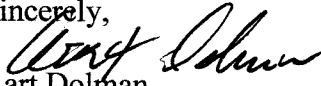
Our neighbor to the north, Canada, has had a strong tradition of opposition to the death penalty as it is practiced in Montana. From the start of its passage, July 14, 1976, when the Canadian House of Commons abolished capital punishment from the Canadian Criminal Code, the government has insisted that individuals who had committed crimes in the United States can only be returned when the death penalty is suspended.

Although the Canadian government does no longer pursue the issue of protecting Canadian citizens from the death penalty in Montana, the issuance of extradition process to the United States, according to the terms of the Canada/USA Extradition Treaty, gives Canada the right to refuse extradition requests without the assurance that United States prosecutors will not seek or impose the death penalty.

This is also true of other nations, or international cases, which demand that individual state prosecutors have voluntarily agreed not to seek the death penalty when seeking extradition of murder suspects when they had committed crimes in their jurisdiction.

For the 56 Montana county prosecutors seeking the extradition of those who are accused of having committed a capital crime and residing in a foreign country, this has created an unjust dilemma and much confusion when such persons return to the respective county. They are the ones that escape the death penalty while those who were arrested in Montana will be put to death because they did not cross the border.

There are many other reasons for my opposition to the death penalty, but I strongly concur with many who are in support of Senate Bill 0236.

Sincerely,  
  
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